

1 GIBSON, DUNN & CRUTCHER LLP  
2 MARK A. PERRY (*pro hac vice*)  
3 1050 Connecticut Avenue, N.W.  
4 Washington, DC 20036-5306  
5 Telephone: 202.955.8500  
6 mperry@gibsondunn.com

7 GIBSON, DUNN & CRUTCHER LLP  
8 JEFFREY T. THOMAS (*pro hac vice*)  
9 BLAINE H. EVANSON (*pro hac vice*)  
10 JOSEPH A. GORMAN (*pro hac vice*)  
11 CASEY J. MCCRACKEN (*pro hac vice*)  
12 3161 Michelson Drive  
13 Irvine, CA 92612-4412  
14 Telephone: 949.451.3800  
15 jtthomas@gibsondunn.com  
bevanson@gibsondunn.com  
jgorman@gibsondunn.com  
cmccracken@gibsondunn.com

16 GIBSON, DUNN & CRUTCHER LLP  
17 SAMUEL LIVERSIDGE (*pro hac vice*)  
18 ERIC D. VANDEVELDE (*pro hac vice*)  
19 333 South Grand Avenue  
20 Los Angeles, CA 90071-3197  
21 Telephone: 213.229.7000  
22 sliversidge@gibsondunn.com  
evandeveld@gibsondunn.com

23 *Attorneys for Defendant*  
24 *Rimini Street, Inc.*

25 RIMINI STREET, INC.  
26 DANIEL B. WINSLOW (*pro hac vice*)  
27 6601 Koll Center Parkway, Suite 300  
28 Pleasanton, CA 94566  
Telephone: 925.264.7736  
dwinslow@riministreet.com

RIMINI STREET, INC.  
JOHN P. REILLY (*pro hac vice*)  
3993 Howard Hughes Parkway, Suite 500  
Las Vegas, NV 89169  
Telephone: 336.908.6961  
jreilly@riministreet.com

HOWARD & HOWARD ATTORNEYS PLLC  
W. WEST ALLEN (Nevada Bar No. 5566)  
3800 Howard Hughes Parkway, Suite 1000  
Las Vegas, NV 89169  
Telephone: 702.667.4843  
wwa@h2law.com

25 ORACLE USA, INC., et al.,  
26 Plaintiffs,  
27 v.  
28 RIMINI STREET, INC., et al.,  
Defendants.

Case No. 2:10-cv-00106-LRH-VCF

**RIMINI'S MOTION TO SEAL  
EXHIBIT TO EMERGENCY  
MOTION UNDER LOCAL RULE 7-4  
TO STRIKE ORACLE'S IMPROPER  
EXPERT REPORT SUPPLEMENT**

## **NOTICE OF MOTION AND MOTION**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 10, 2010 (ECF No. 55, “Protective Order”), Rules 5.2(e)–(f) and 26(c) of the Federal Rules of Civil Procedure, and Local Rule 10-5(b), Defendant Rimini Street, Inc. (“Rimini”) respectfully requests that the Court seal portions of Exhibit 1 to the Declaration of Casey J. McCracken in Support of Rimini’s Emergency Motion Under Local Rule 7-4 to Strike Oracle’s Improper Expert Report Supplement, specifically Appendix A to the Supplement to Post-Injunction Expert Reports of Barbara Ann Frederiksen-Cross (the “Confidential Material”).

A public, redacted version of Exhibit 1 was filed on August 23, 2021. An unredacted version of Exhibit 1 will subsequently be filed under seal with the Court and linked to the filing of this motion. This Motion to Seal is based on this Notice of Motion and the accompanying Memorandum of Points and Authorities.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

Good cause exists to seal the Confidential Material, as set forth below. Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c).

The Protective Order entered in this case provides that:

Counsel for any Designating Party may designate any Discovery Material as "Confidential Information" or "Highly Confidential Information – Attorneys' Eyes Only" under the terms of this Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as "Confidential Information" or "Highly Confidential Information – Attorneys' Eyes Only" shall constitute a representation that any attorney for the Designating Party reasonably believes there is a valid basis for such designation.

ECF No. 55 ¶ 2.

Rimini requests that the Court seal the Confidential Material because it describes or otherwise reveals information that Oracle has designated “Confidential” or “Highly Confidential” under the terms of the Protective Order. Moreover, similar material was filed

1 under seal in connection with the Joint Pre-Hearing Order filed on August 20, 2021. By  
2 designating the information as “Confidential” or “Highly Confidential,” Oracle as the  
3 designating party has represented that the information cited is subject to protection under  
4 Federal Rule of Civil Procedure 26(c). *Id.*

5 Additionally, this Court has granted motions to file under seal similar information, both  
6 in *Rimini I* and *Rimini II*. See, e.g., ECF Nos. 226, 325, 518, 904, 1107, 1228, 1261; see also  
7 *Rimini II*, No. 14-CV-1699-LRH-DJA (D. Nev.), ECF Nos. 127, 137, 222, 280–282, 287, 333–  
8 334, 371, 391, 434–436, 602, 625–628, 760–768, 836–849, 1122, 1191.

9 **CONCLUSION**

10 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file  
11 the Confidential Material under seal.

12  
13 Dated: August 23, 2021

14 GIBSON, DUNN & CRUTCHER LLP

15 By: /s/ Eric D. Vandevelde  
16 Eric D. Vandevelde

17 *Attorneys for Defendant*  
18 *Rimini Street, Inc.*